

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Kimball Area Public Schools,  
Independent School District No. 739,

Civil Case No. 23-CV-02637 (NEB/LIB)

Plaintiff/ Counterclaim Defendant,  
v.  
I.R.M., by and through his Parent,  
L.M.,

**DECLARATION OF ELIZABETH  
J. VIEIRA**

Defendants/ Counterclaim  
Plaintiffs.

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I, Elizabeth J. Vieira, declare and state as follows:

1. I am one of the attorneys representing Plaintiff/ Counterclaim Defendant Kimball Area Public Schools, Independent School District No. 739 (“District”) in this matter. I make this declaration based on my personal knowledge.
2. The Second Amended Pretrial Scheduling Order for this matter required both the District and Defendants/ Counterclaim Plaintiffs I.R.M. and L.M. (“Counterclaimants”) to make expert disclosures on or before October 31, 2024. *See* Doc. 50 at 4. Counterclaimants never served upon the District an expert witness disclosure pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) or (C) before, on, or after October 31, 2024.
3. At no time prior to July 7, 2025 did Counterclaimants, previous counsel for Counterclaimants, nor current counsel for Counterclaimants notify the District that

Counterclaimants intended to drop their retaliation claims against the District. Counterclaimants' July 7, 2025 Motion to Amend the Scheduling Order is the first time the District was notified that Counterclaimants intended to drop their retaliation claims against the District.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on July 14, 2025.

*/s/ Elizabeth J. Vieira*  
Elizabeth J. Vieira